

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

X

**IN RE YASMIN AND YAZ (DROSPIRENONE)
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

**3:09-md-02100-DRH-PMF
MDL No. 2100**

This Document Relates to:

Judge David R. Herndon

Allred et al. v. Bayer Corporation, et al. No.
3:10-cv-13494-DRH-PMF¹

Johnson v. Bayer Corporation, et al. No. 3:11-
cv-12471-DRH-PMF

Smith v. Bayer Corporation, et al. No. 3:12-
cv-10426-DRH-PMF

Rivero v. Bayer Corporation, et al. No. 3:12-
cv-10918-DRH-PMF

*Huizar v. Bayer HealthCare Pharmaceuticals
Inc., et al* No. 3:13-cv-10771-DRH-PMF

*Najdich et al. v. Bayer HealthCare
Pharmaceuticals Inc., et al.* No. 3:14-cv-10173-
DRH-PMF²

ORDER GRANTING DISMISSAL WITHOUT PREJUDICE

HERNDON, District Judge:

This matter is before the Court on defendant's (Bayer HealthCare Pharmaceuticals Inc.) motions for an order dismissing the above captioned

¹ This Order of dismissal applies only to plaintiff Denise Spodnick's claims. However, as all other plaintiffs have previously been dismissed, this order closes the case.

² This Order of dismissal applies to plaintiff Gladys Nieves' claims only.

plaintiffs' claims without prejudice for failure to file an appearance as required by this Court's Order and Local Rule 83.1(g)(2).

In each of the above captioned cases, the Court granted a motion to withdraw filed by counsel. The orders granting leave to withdraw expressly provided that if the subject plaintiff (or her new counsel) failed to file a timely supplementary entry of appearance, the action would be subject to dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the orders of this Court. To date, and in violation of this Court's orders and Local Rule 83.1(g), the above captioned plaintiffs have not filed a supplementary appearance. In addition, the above captioned plaintiffs have not responded to the pending motions to dismiss.

The plaintiffs must comply with the Local Rules and this Court's orders. Fed. R. Civ. P. 41(b). Accordingly, for the reasons stated herein, the claims of the above captioned plaintiffs are hereby **DISMISSED** without prejudice. As a result of this dismissal, the following member actions shall be closed:

1. *Allred et al. v. Bayer Corporation, et al.* No. 3:10-cv-13494-DRH-PMF³
2. *Johnson v. Bayer Corporation, et al.* No. 3:11-cv-12471-DRH-PMF
3. *Smith v. Bayer Corporation, et al.* No. 3:12-cv-10426-DRH-PMF
4. *Rivero v. Bayer Corporation, et al.* No. 3:12-cv-10918-DRH-PMF
5. *Huizar v. Bayer HealthCare Pharmaceuticals Inc., et al* No. 3:13-cv-10771-DRH-PMF

³ As noted above, this Order of dismissal applies only to plaintiff Denise Spodnick's claims. However, as all other plaintiffs have previously been dismissed, this order closes the case.

In member action *Najduch et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.* No. 3:14-cv-10173-DRH-PMF, plaintiff Gladys Nieves shall be terminated from the Court's docket.

IT IS SO ORDERED.

Signed this 19th day of June, 2015.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2015.06.19
15:42:42 -05'00'

United States District Court